

**NOT FOR PUBLICATION**

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NO. 25200

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

ALVIN J. CORREA, Claimant-Appellee, v.  
HAWAIIAN AIRLINES, INC., and KEMPER INSURANCE  
COMPANY, Employer/Insurance Carrier-Appellant

APPEAL FROM THE LABOR AND INDUSTRIAL  
RELATIONS APPEALS BOARD  
(CASE NO. AB 2000-120(M))  
(7-99-02490)

SUMMARY DISPOSITION ORDER

(By: Lim, Acting C.J., Foley and Nakamura, JJ.)

Employer-Appellant Hawaiian Airlines, Inc. and  
Insurance Carrier-Appellant Kemper Insurance Company  
(collectively HI Airlines) appeal the April 16, 2002 "Proposed  
Decision and Order" and the June 7, 2002 "Order Adopting Proposed  
Decision and Order" of the Labor and Industrial Relations Appeals  
Board (Board).

On appeal, HI Airlines contends it presented  
substantial evidence to rebut the presumption that Claimant-  
Appellee Alvin J. Correa, Jr. (Correa) sustained a back injury on  
February 10, 1997.

Upon careful review of the record and the briefs  
submitted by the parties and having given due consideration to  
the arguments advanced and the issues raised by the parties, we  
conclude, giving appropriate deference to the Board's role in

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assessing the credibility and weight of the evidence, that the Board's determination that HI Airlines failed to present substantial evidence to show that Correa did not sustain a low back injury on February 10, 1997, was not clearly erroneous. Nakamura v. State of Hawai'i, Univ. of Hawai'i, 98 Hawai'i 263, 268 & 270-71, 47 P.3d 730, 735 & 737-38 (2002).

Therefore,

IT IS HEREBY ORDERED that the April 16, 2002 "Proposed Decision and Order" and the June 7, 2002 "Order Adopting Proposed Decision and Order" of the Labor and Industrial Relations Appeals Board are affirmed.

DATED: Honolulu, Hawai'i, July 12, 2004.

On the briefs:

Timothy P. McNulty  
for claimant-appellee.

Acting Chief Judge

Clyde Umebayashi,  
James N. Duca,  
Muriel M. Taira  
(Kessner Duca Umebayashi  
Bain & Matsunaga)  
for employer/insurance  
carrier-appellant.

Associate Judge

Associate Judge